

LEGISLATIVE BILL 144

Approved by the Governor March 26, 2014

Introduced by Brasch, 16.

FOR AN ACT relating to elections; to amend section 32-605, Reissue Revised Statutes of Nebraska, and section 32-615, Revised Statutes Cumulative Supplement, 2012; to provide for certain defeated candidates to be eligible for write-in candidacy; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 32-605, Reissue Revised Statutes of Nebraska, is amended to read:

32-605 No candidate defeated at a primary election shall be permitted to file an affidavit declaring a write-in candidacy, file by petition, or file a nomination, if nominated by party convention or committee, for the following general election for the same office except as provided in section 32-615, 32-616, or 32-625.

Sec. 2. Section 32-615, Revised Statutes Cumulative Supplement, 2012, is amended to read:

32-615 (1) Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent together with the receipt for any filing fee with the filing officer as provided in section 32-608 no earlier than December 1 and no later than ten days prior to the election.

(2) A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless (a) a vacancy on the ballot exists pursuant to section 32-625 or (b) the candidate was a candidate for an office described in sections 32-512 to 32-550 and the candidate lost the election as a result of a determination pursuant to section 32-1122 in the case of a tie vote.

(3) A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling.

Sec. 3. Original section 32-605, Reissue Revised Statutes of Nebraska, and section 32-615, Revised Statutes Cumulative Supplement, 2012, are repealed.